



PATENT

UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 01-298)

IN THE APPLICATION OF:)		
)		
Raman et al.)		
)		
Serial No. 09/849,834)	Examiner:	To be assigned
)		
Filed: May 4, 2001)	Group Art	2681
)	Unit:	
)		
Title)	Confirmation	2255
System And Method To Allow)	No.:	
Simple IP Mobile Nodes To Operate)		
Seamlessly In A Mobile IP Network)		
With True Roaming Capabilities)		
)		

DECLARATION

I, Lee Rosenbaum, am Wireless Product Manger, with the assignee of the above referenced application, 3Com Corporation. I assert that I am qualified and authorized to make this declaration. I further state that the statements made herein are of may own knowledge or represents information I learned after investigation of the situation.

1. 3Com has developed a system that allows simple IP devices to operate in a mobile IP network with true roaming capabilities. The system utilizes a mobile proxy agent device in conjunction with a home agent and an authorization agent to effectuate the capabilities in the simple IP device. This system was not offered for sale or publicly disclosed before May 4 of 2000.

2. 3Com did have a relationship with Motorola dated back before May 4, 2000. That relationship has many facets to it, but it was all conducted pursuant to a non-disclosure/confidentiality agreement.
3. One aspect of the relationship is that 3Com was manufacturing for Motorola MARC (Mobile Access Routing Card) cards for use in a Packet Data Telephone Network (PDTN). These MARC cards are also known as Packet Data Serving Nodes (PDSN). The product evolved over time and included new and different functionality as it evolved. The initial product did not include any mobile proxy functionality. Over time the product evolved to include such functionality.
4. In February of 1999 Motorola and 3Com entered into an agreement entitled Wireless Packet Data Product Amendment to License and Distribution Agreement. This agreement represents a step in the evolution of the functionality of the MARC card. Pursuant to an amendment to the agreement 3Com agreed to develop and provide to Motorola a MARC card that included a Mobile Proxy Agent (MPA) that would work with simple IP devices that lack Mobile IP capabilities. Consistent with this agreement, 3Com proceeded to develop a MARC card with MPA functionality. In January of 2000 a first version of the MARC card software having MPA functionality was provided to Motorola for testing. Indeed, testing of the software continued at 3Com as well. Testing of the MPA functionality to make sure it worked for its intended purpose continued until May of 2000. It was not until this testing was complete

that it was known that the software including the MPA functionality was a workable design.

5. Pursuant to the nondisclosure agreement 3Com also provided Motorola with a preliminary functional specification of the MARC card with MPA functionality in February of 2000. While this specification sets forth how the MARC card with MPA software might operate in a Mobile IP environment in combination with other elements, that combination of elements was not being sold to Motorola.
6. Another device developed by 3Com is known as a HARP server. The acronym HARP stands for High Availability Radius Proxy server. It must be understood that the HARP device has also evolved over time in its functionality. In early 1999, 3Com did offer to sell HARP servers to Motorola. However, at the time that offer was made the HARP servers did not contain any functionality that would allow it to deal as a proxy for simple IP devices.
7. The only time prior to May 4 of 2000 that 3Com provided HARP devices to Motorola was in mid 1999 when some HARP servers were loaned to Motorola, subject to the confidentiality agreement, and for the very limited use of interoperability testing.
8. A HARP server with the capability of interfacing with the MARC card having MPA functionality was eventually developed at 3Com. As stated above it was not sold to or offered to be sold to Motorola any time prior to

May of 2000. The official release of the HARP server with MPA capabilities was in August of 2000.

9. Indeed, it is my understanding that the combination of the MARC card with MPA functionality and HARP with MPA interfacing capabilities was never sold or offered for sale by 3Com in this country before May 4 of 2000.
10. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: May 9, 2003

Lee Rosenbaum

Lee Rosenbaum
3Com Corporation
Wireless Product Manager

Deborah Basler

